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Attorneys for Defendant
ESA Management, LLC (erroneously sued
as “Extended Stay America, Inc.”)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

SALLY MEZA,

Plaintiff,

v.

EXTENDED STAY AMERICA, INC.
and DOES 1 to 25, inclusive,

Defendants.

Case No. _

**NOTICE OF REMOVAL OF
ACTION**

Action Filed: March 30, 2022
Removal Date: June 17, 2022

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant ESA Management, LLC
(erroneously sued as “Extended Stay America, Inc.”) hereby removes to this Court
the state court action described below.

1. On March 30, 2022, an action was commenced in the Superior Court of
the State of California in the County of Los Angeles, entitled *Sally Meza v.*
Extended Stay America, Inc., as case no. 22STCV10876. A copy of the Complaint
is attached hereto as **Exhibit 1**.

2. On March 31, 2022, Plaintiff Sally Meza (“Plaintiff”) served a
Summons and Complaint by substituted service on this Defendant. A copy of the

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1 Summons, filings, and docket in the state court action are attached hereto as **Exhibit**

2 **2**. Neither the Complaint, nor any other documentation filed by Plaintiff in this
3 matter, contained any information regarding the amount of damages, so the matter
4 was not removable based on those documents.

5 3. On May 2, 2022, Defendant ESA Management, LLC filed and served
6 its Answer to the Complaint. A copy of the filed Answer is attached hereto as
7 **Exhibit 3**.

8 4. On May 18, 2022, Plaintiff served a Statement of Damages on
9 Defendant indicating that the amount sought as damages is \$4,976,783.85. A copy
10 of the Statement of Damages is attached hereto as **Exhibit 4**.

11 5. This is a civil action of which this Court has original jurisdiction under
12 28 U.S.C. § 1332, and is one which may be removed to this Court by defendant
13 pursuant to the provisions of 28 U.S.C. § 1441(b) in that it is a civil action between
14 citizens of different states and the matter in controversy exceeds the sum of \$75,000,
15 exclusive of interest and costs.

16 6. **Removal is Timely**. Plaintiff's Complaint did not state an amount of
17 damages. However, on May 18, 2022, Plaintiff served a Statement of Damages
18 requesting \$4,976,783.85. The Statement of Damages qualifies as an "other paper"
19 pursuant to U.S.C. §1446(b)(3). ". . . [I]f the case stated by the initial pleading is not
20 removable, a notice of removal may be filed within 30 days after receipt by the
21 defendant, through service or otherwise, of a copy of an amended pleading, motion,
22 order or **other paper** from which it may first be ascertained that the case is one which
23 is or has become removable." U.S.C. §1446(b)(3) (emphasis added.) Removal is
24 therefore timely because it was filed within thirty days after service of the "other
25 paper" – Statement of Damages – giving notice that the case was removable.

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1 7. Complete diversity of citizenship exists. Plaintiff is a citizen of the
2 State of California. Defendant was and is a limited liability company incorporated
3 under the laws of the State of Delaware, and is a citizen of the State of Florida. The
4 sole member of Defendant is Eagle Manager, LLC. The only two members of Eagle
5 Manager LLC are (1) Prospect Hotel Equity, LLC (whose sole member, John V.
6 Cerialle, is an individual residing in Florida and a citizen of Florida) and (2) JBA
7 Advisors VII, LLC (whose sole member is Prospect Hotel Advisors, a partnership).
8 The only partners in Prospect Hotel Advisors are Barry Lewin, John Cerialle and
9 Andrew Katz, all of whom are individuals who reside in Florida and citizens of
10 Florida. Plaintiff's Complaint has named fictitious defendants as "Does." California
11 law permits plaintiffs to designate defendants by fictitious names ("Doe" or any other
12 name) if the plaintiff is ignorant of their real names or the facts rendering them liable to
13 the plaintiff. For purposes of removal, "the citizenship of defendants sued under
14 fictitious names *shall be* disregarded." 28 USC § 1441(b)(1) (Emphasis added). In
15 determining whether diversity of citizenship exists, only the named defendants are
16 considered. 28 U.S.C. section 1441(a); *Newcombe v. Adolph Coors*, 157 F.3d 686,
17 690-691 (9th Cir. 1998); *McCabe v. General Food Corp.*, 811 F.2d 1336, 1339 (9th
18 Cir. 1987). No other defendants are named in this action.

19 8. The amount in controversy exceeds the \$75,000 requirement. The
20 Complaint does not allege an amount of damages as such an allegation is barred
21 under California law. California Code Civ. Proc., § 425.10(b). However, on May
22 18, 2022, Plaintiff served a Statement of Damages requesting \$4,976,783.85.
23 Accordingly, the amount in controversy exceeds the \$75,000 jurisdictional
24 minimum.

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CERTIFICATE OF SERVICE

Sally Meza v. Extended Stay America, Inc.

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Diego, State of California. My business address is 501 West Broadway, Suite 600, San Diego, California 92101.

On June 17, 2022, I served true copies of the following document(s) described as **NOTICE OF REMOVAL OF ACTION** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address ssohn@klinedinstlaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 17, 2022, at San Diego, California.



Samantha V. Sohn

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SERVICE LIST
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